OPINION 1041

CLEIOTHYRIS PHILLIPS, 1841 (BRACHIOPODA): SUPPRESSED UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the generic name *Cleiothyris* Phillips, 1841, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The generic name *Cleiothyridina* Buckman, 1906 (gender: feminine), type-species, by designation by King, 1850, through *Cleiothyris* Phillips, 1841, *Atrypa pectinifera* J. de C. Sowerby, 1840, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 2016.

(3) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

(a) *pectinifera* J. de C. Sowerby, 1840, as published in the binomen *Atrypa pectinifera* (the specific name of the type-species of *Cleiothyridina* Buckman, 1906) (Name No. 2555);

(b) *fimbriata* Phillips, 1836, as published in the binomen *Spirifera fimbriata* (Name No. 2556);

(c) *deroissyi* Léveillé, 1835, as published in the binomen *Spirifera De Roissyi* (Name No. 2557).

(4) The generic name *Cleiothyris* Phillips, 1841, as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology, with the Name Number 2061.

HISTORY OF THE CASE (Z.N.(S.) 1988)

The present application was submitted to the office of the Commission by Dr. C. H. C. Brunton in January 1972. Dr. Brunton's application was sent to the printer on 13 April 1972 and was published on 30 November 1972 in *Bull. zool. Nom.* **29** : 142–144. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nom.* **31** : 97) and to two specialist serials. The application was supported by Dr. C. F. Winkler Prins, John L. Carter, Dr. J. Roberts and Dr. M. Legrand-Blain.

DECISION OF THE COMMISSION

On 6 September 1974 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (74)12 either for or against the proposals set out in *Bull. zool. Nom.* **29** : 144. At the close of the voting period on 6 December 1974 the state of the voting was as follows:

Affirmative votes—seventeen (17), received in the following order: Melville, Holthuis, Eisenmann, Vokes, Lemche, Willink, Simpson, Mayr, Rohdendorf, Tortonese, Habe, Binder, Bayer, Heppell, Nye, Alvarado, Ride

Negative votes—none (0)

On Leave of Absence—one (1): Brinck

Late affirmative votes were returned by Dr. Corliss, Dr. Sabrosky and Dr.

Starobogatov. Dr. Dupuis returned a late negative vote

Voting Papers not returned—four (4): Kraus, Munroe, Erben, Bernardi.

The following comment was made by *Dr. W. D. L. Ride* (20.xi.1974) in returning his vote: "I would advise that the designation of the type-species of *Cleiothyridina* be by the plenary powers and not merely through *Cleiothyris*, as sought in 13(2). Whilst King's action is probably secure, there must always remain the possibility that a prior designation could be found which could disturb stability". Dr. Brunton has examined the literature and assures me that he has not found any prior designation of a type-species for *Cleiothyris* to that mentioned in the application. It would clearly be improper to use the plenary powers to secure a result that is already ensured by the normal operation of the Code.

Original References

The following are the original references for names placed on Official Lists and Index by the Ruling given in this present Opinion:

Cleiothyridina Buckman, 1906, *Ann. Mag. nat. Hist.* (7 *ser*) **18** : 323

Cleiothyris Phillips, 1841, *Figures and descriptions of the Palaeozoic Fossils of Cornwall, Devon and West Somerset*: 55

deroissyi, *Spirifera*, Léveillé, 1835, *Mem. Soc. géol. Fr.* **2** : 39

fimbriata, *Spirifera*, Phillips, 1836, *Illustrations of the Geology of Yorkshire.* Part 2: 220

pectinifera, *Atrypa* J. de C. Sowerby, 1840, *The Mineral Conchology of Great Britain*, vol. 7, London: 14

CERTIFICATE

I certify that the votes cast on Voting Paper (74)12 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission is truly recorded in the present Opinion No. 1041.

R. V. MELVILLE
Secretary
International Commission on Zoological Nomenclature
London
26 *June* 1975